

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JOHN A. CORDOVA,)	
)	
Petitioner,)	
)	
vs.)	No. 06-3029-CV-S-RED-H
)	
JOSEPH E. GUNJA, Warden, ¹)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner asserts that he has been the victim of identity theft; that his sentence has been improperly calculated, and that he is in need of a heart transplant. A Show Cause Order was entered and a Response filed, to which petitioner has filed a Traverse.

Petitioner was committed for mental health treatment under the provisions of 18 U.S.C. § 4245, *United States v. Cordova*, Case No. 01-3038-CV-S-1. The files and records in that case establish that his treating psychologist has concluded that he is not suffering from heart disease, but

¹ The current warden is the proper respondent.

rather that this belief is part of his delusional system.

In the case at bar, the petitioner has not exhausted administrative remedies with regard to his issue of identity theft or the calculation of his sentence. With regard to his medical condition, there has been no deliberate indifference to his serious medical needs. *Estelle v. Gamble*, 429 U.S. 97, 105 (1976).

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: January 8, 2007